Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

Applicant/Contact name and address: Stephen & Kathryn Edwards
14315 W Hardy Rd
Houston, TX 77060

1. *Type of action*: Provisional Permit to Appropriate Water No. 76LJ-30022744

2. *Water source name*: Flathead Lake

3. *Location affected by action*: The SW SW NW quarter of Section 27 Twp 26N Rge 20W, Flathead County

4. *Narrative summary of the action to be taken, proposed project, purpose, and benefits*: The DNRC shall issue a water use permit if an applicant proves the criteria in §85-2-311, MCA are met. The point of diversion and place of use are in the SW SW NW Section 27 T26N R20W, in Lot 2 of Angel Point Properties of Flathead County. The water will be diverted from Flathead Lake by a 2 hp electric pump supplying water up a 100 foot lift at a pressure of 30 psi. The owner intends to irrigate his lawn and garden with the system, and provide a backup source of water for domestic use. The applicant is requesting 33 GPM up to 2 acre-feet for irrigation of one acre of lawn and garden, and ½ acre-foot for domestic use from March 1 through November 30 of each year. Domestic use and irrigation of lawn & garden are considered beneficial uses according to State Law.

5. *Agencies consulted during preparation of the Environmental Assessment: (include agencies with overlapping jurisdiction)*

State Historic Preservation Office
Montana Natural Heritage Program
Department of Fish, Wildlife & Parks
Department of Environmental Quality

Part II. Environmental Review

1. Environmental Impact Checklist:

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity *- Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.*

Determination: Flathead Lake is not identified as chronically or periodically dewatered. The lake has a usable capacity of 572,300 acre-feet of water at a minimum surface elevation of 2883 feet. The lake level is regulated by the Montana Power Company at Kerr Dam.

Water quality *- Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.*

Determination: Flathead Lake is listed on the Montana 303(d) list as supporting all of its beneficial uses except having only partial support for aquatic life. The "partially supporting" determination will not be affected by this appropriation, nor will the water quality be adversely impacted. The volume of the lake fluctuates between 572,300 and 1,791,000 acre-feet, so this minor diversion of 2.5 acre-feet of water will be insignificant. Flathead Lake has been identified by Montana as a water body requiring a watershed approach to water quality or Total Maximum Daily Load (TMDL). The Department of Environmental Quality is working in conjunction with the Confederated Salish and Kootenai Tribes to address threats to the health of the lake.

Groundwater *- Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.*

Determination: The use of water from Flathead Lake will not impact groundwater.

DIVERSION WORKS *- Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.*

Determination: The water will be diverted by a 2 hp electric pump and conveyed through a 250 foot long pipeline. The proposed project will not have any impact on channels, flows, barriers, riparian areas, dams, or well construction.

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species *- Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or "species of special concern."*

Determination: The withdrawal of 33 gpm of water will be imperceptible to the lake and its flora and fauna. The only endangered specie of special concern in this ecosystem is the Bull Trout. According to Jim Vashro of the Department of Fish, Wildlife & Parks, Bull Trout spawn in the headwater streams of the drainage. By the time they return to the lake they are of sufficient size to avoid the perils of low-velocity irrigation intakes. Bald Eagles are also known to reside in many areas along the shoreline of the lake.

Wetlands *- Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.*

Determination: The project does not involve nor is it near any wetlands.

Ponds *- For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.*

Determination: The project does not involve any ponds.

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE *- Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.*

Determination: The installation of the irrigation system will not impact the soils. Saline seep is generally not a problem is Western Montana.

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS *- Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.*

Determination: The project **itself** will pose no impact to existing vegetative cover; a **reason** for the project is to maintain the landscape around the applicant's home. The presence of irrigated lawn and gardens should actually help **reduce** the establishment or spread of noxious weeds!

AIR QUALITY *- Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.*

Determination: This project will have no impact on air quality or vegetation in the area.

HISTORICAL AND ARCHEOLOGICAL SITES - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project.*

Determination: The Montana Natural Heritage Program did not indicate any archeological or historical sites in the vicinity of the project.

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - *Assess any other impacts on environmental resources of land, water, and energy not already addressed.*

Determination: No impacts are anticipated from this development.

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

Determination: The project is consistent with land use in the area.

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES - *Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.*

Determination: The development will not impact access to or the quality of recreational and wilderness activities.

HUMAN HEALTH - *Assess whether the proposed project impacts on human health.*

Determination: The project will have no impact on human health.

PRIVATE PROPERTY - *Assess whether there are any government regulatory impacts on private property rights.*
Yes___ No_X_. If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.

Determination: Private property rights are not impacted or regulated by this proposed action. The right to use water belonging to the State of Montana will become a property right if this permit is issued.

OTHER HUMAN ENVIRONMENTAL ISSUES - *For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.*

Impacts on:

(a) Cultural uniqueness and diversity? None.

(*b) Local and state tax base and tax revenues?* None.

(c) *Existing land uses?* No.

(d) *Quantity and distribution of employment?* No.

(e) *Distribution and density of population and housing?* None.

(f) *Demands for government services?* None.

(g) *Industrial and commercial activity?* None.

(h) *Utilities?* None.

(i) *Transportation?* None.

(j) *Safety?* None.

(k) *Other appropriate social and economic circumstances?* None.

2. ***Secondary and cumulative impacts on the physical environment and human population:*** Most areas around the lake have been developed, making the secondary and cumulative impacts of little or no concern. The Confederated Salish & Kootenai Tribe and the State of Montana work together to monitor and protect the water quality of the lake and the surrounding environment.

3. ***Describe any mitigation/stipulation measures:*** No mitigation measures are required or necessary. Jim Vashro of the Department of Fish, Wildlife & Parks deemed the use of screened intakes unnecessary to protect the young Bull Trout.

4. ***Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:*** Water rights for domestic use exist from a groundwater well. The applicant could apply for a right to irrigate from the well. Pumping water from Flathead Lake is the simplest and most economical way to assure an adequate water supply.

PART III. Conclusion

Based on the significance criteria evaluated in this EA, is an EIS required? No.

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action: No significant impacts have been identified, therefore no EIS is necessary.

Name of person responsible for preparation of EA:

Name: James Albrecht
Title: Water Resource Specialist
Date: November 27, 2006